

UNITED STATES DISTRICT COURT

for the

NORTHERN District of NEW YORK

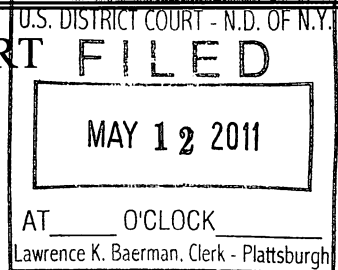
United States of America

v.

Nokour ALI

Defendant

Case No. 8:11-M-209(LAK)



CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of May 10, 2011 in the county of Franklin in the NORTHERN District of NEW YORK, the defendant violated 8 U. S. C. § 1325 (a)(1), offenses described as follows:
18 1001

Nokour ALI, an alien, entered or attempted to enter the United States from Canada at a time and place other than as designated by United States Immigration Officials. Nokour ALI did knowingly and willfully make a materially false, fictitious, and fraudulent statement or representation in a matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States.

This criminal complaint is based on these facts:

On May 10, 2011, at approximately 8:30 p.m., Burke Border Patrol (BP) Agents received a call from a concerned citizen regarding a suspicious individual who was at the Cherry Knoll Restaurant in Burke, New York. The Cherry Knoll Restaurant is located on State Route 11, approximately five miles south of the United States-Canadian border. The concerned caller stated that the suspicious subject was a black male speaking very little English who was loitering in the parking lot of the restaurant as if he was waiting to be picked up.

x Continued on the attached sheet.

Complainant's signature

Lead Border Patrol Agent John Dustman

Printed name and title

Sworn to before me and signed in my presence.

Date: May 12, 2011

Judge's signature

City and state: Plattsburgh, New York

Larry A. Kudrle, U.S. Magistrate Judge, N.D.N.Y.

Printed name and title

Continuation Sheet for United States of America V. ALI

BP Agent Barcomb responded to the Cherry Knoll Restaurant. Upon arrival, Agent Barcomb observed the subject, later identified as Nokour Chougui ALI, standing near the ice cream stand. When ALI observed the marked BP vehicle, he immediately walked behind the ice cream stand and sat down at a table. Agent Barcomb approached ALI and began questioning him about his immigration status. ALI became very irritated and was reluctant to answer basic questions in regards to his identity or citizenship. ALI was repeatedly stating that he was just in the area camping, but was unable to provide the name of a campsite or any details about his camping trip. When asked about how he arrived at the Cherry Knoll, ALI stated that he was passing through the area with his girlfriend and had gotten into an argument with her. ALI stated that she had then dropped him off, but ALI could neither provide the name of his girlfriend nor a description of her vehicle.

As questioning continued, ALI freely admitted that he was a citizen of Chad, but was not in possession of any immigration documents nor any form of identification. ALI stated his name was Rozi Abakar with a date of birth of April 22, 1993. Agent Barcomb requested immigration checks from BP dispatch who advised that Abakar was admitted into the U.S. as a visitor for pleasure on September 16, 2007 through J.F.K. International Airport, and was issued an Employment Authorization Document valid until August 6, 2013. ALI was very adamant about claiming that he was issued a valid Employment Authorization Document (EAD), and was lawfully remaining in the United States. Despite the fact he was misrepresenting himself as Rozi Abakar, ALI knew the name of Abakar's parents, his date of birth and the expiration date of the EAD by memory.

Agent Barcomb suspected that ALI had crossed the border illegally from Canada into the United States, however, by noting that had several scratches on his arms and his sneakers were wet and covered in mud. Based on the totality of the circumstances and the Agent's reasonable suspicion that he was unlawfully present in the United States, ALI was detained and transported to the Burke Border Patrol Station for further questioning. Upon questioning, ALI refused to answer any questions and invoked his right to remain silent. ALI was fingerprinted and enrolled into the IAFIS/IDENT system, which identified his full name as Nokour Chougui ALI and a current citizen of Chad, Africa. ALI's immigration history revealed he was admitted as a non-immigrant visitor for pleasure on September 16, 2007 at J.F.K. International Airport for a duration of time not to exceed six months.

A search of ALI revealed a Canadian Health Care Identification Card along with Canadian currency concealed in the sole of his sneakers. A cellular phone was also found on him which appeared to have been exposed to the elements while he was crossing the border. An inventory of the phone revealed that it contained a Canadian Sim Card and several recent calls in the call log were made to various phone numbers in Canada. Record checks revealed that ALI had multiple arrests in Canada in April of 2010, proving that ALI had departed the United States.

At the time of ALI's arrest, he had in his possession a Samsung cellular phone and \$30 in Canadian funds.